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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,324	09/16/2003	Tetsuya Kanekon	030192A	9165
38834 7590 03/24/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
LOFTUS, ANNE				
ART UNIT		PAPER NUMBER		
3691				
NOTIFICATION DATE		DELIVERY MODE		
03/24/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

### Office Action Summary

**Application No.**

10/662,324

**Applicant(s)**

KANEKON, TETSUYA

**Examiner**

ANN LOFTUS

**Art Unit**

3691

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6, 8, 9, 14, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 9, 14, 15, 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to an amendment filed on 12/16/09. Claims 1-3, 6, 8, 9, 14, 15, and 17 are pending. Claims 4, 5, 7, 10, 11, 12, 13, and 16 are cancelled.

### ***Priority***

2. This application was filed 9/16/03. Its oath claims foreign priority from Japanese Patent 2002-275073 dated 9/20/02. A certified copy and a translation are now present in the record.

### ***Response to Arguments***

3. The applicants argument has been considered but is not persuasive. The applicant argues that Lejeune does not qualify as prior art against the instant priority date of 9/20/02. Lejeune filed in France as FR 00 03842 on 3/27/00. Lejeune then filed as PCT/FR01/00732 on 3/13/01, which was published on 4/10/01. The US application is the national stage (371) of the PCT. The following is a quotation from 35 U.S.C. 102: A person shall be entitled to a patent unless (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Lejeune qualifies as prior art under 102(b) because it was described in a printed publication on 4/10/01, more than a year prior to the instant priority date of 9/20/02.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites "a method of managing a parking system, comprising:". It is unclear whether it is the system comprising, or the method comprising.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020032601 filed 4/25/01 by Admasu et al, in view of US Patent 5974453 filed 10/8/97 by Andersen et al. in view of US 20030050793 filed with foreign priority to 3/27/2000 by Lejeune.

As to claim 1, Admasu teaches in paragraphs 14 and 15 page 2 a server and a processing device. Admasu teaches in claim 7 and paragraph 29 page 3 a storage unit storing identification information and address information of a parking meter for billing a user for an amount. Admasu teaches in paragraph 15 page 2 billing a user for an amount based on a predetermined total length of time.

Admasu teaches in paragraphs 14 and 15, page 2, performing a communicating process through a network with a user device and the parking meter. Admasu does not use the terms charge information nor use information, but the broadest reasonable interpretation of these terms includes information that is specifically disclosed by Admasu as follows. As to charge and use information, Admasu teaches in paragraph 35 page 3 and paragraph 38 on pages 3 and 4 obtaining information requested by the user from the parking meter, where information includes amount of payment, time units purchased, time of expiration, and a list of occupied spaces. The examiner does not find a patently distinguishable difference between use information, charge information, and the information cited by Admasu:. It would have been obvious to a person of ordinary skill in the art to recombine the disclosed elements and present them as charge information or use information; the difference is a minor issue of format; they are obvious variants. Thus it would have been obvious for a person of ordinary skill in the art at the time of the invention to modify Admasu to explicitly state obtaining charge information or use information requested by the user from the parking meter retrieved by the retrieving process unit. Let this argument be hereafter called "charge/use."

Admasu teaches retrieving the address information of the parking meter corresponding to identification received from the user device, from the storage unit in paragraph 29 page 3.

Admasu does not explicitly teach retrieving address information. Andersen teaches in col 2 lines 25-50 retrieving address information (address is broadly interpreted to include network addresses). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add retrieving the address information of the parking meter corresponding to identifying information received from the user device from a storage unit according to a request in order to take advantage of standardized readily available and proven reliable technology of DNS (domain name service) technology and tools. Let this argument be hereafter called "DNS."

Admasu teaches in paragraph 35 page 3 obtaining billing charge information requested by the user from the parking meter having the address information retrieved by the retrieving process unit.

Admasu teaches in paragraph 35 page 3 transmitting the billing charge information to the user device.

Admasu teaches in paragraph 39 page 4 performing a payment according to a request for payment from the user device.

Admasu teaches transmitting to the parking meter in paragraph 35 page 3 and Fig 1. The Admasu Andersen combination does not teach transmitting a lock release request for releasing a lock of the parking meter having the address information to the

parking meter having the address information. A lock of the parking meter is broadly interpreted to include the exit barrier, based on the specification. Lejeune teaches in paragraph 55 page 3 transmitting a lock release request for releasing a lock of the parking meter with the retrieved address information to the parking meter (a signal to the transponder to open the exit barrier.). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add transmitting a lock release request for releasing a lock of the parking meter with the retrieved address information to the parking meter in order to allow people to retrieve their vehicles upon payment.

Admasu teaches transmitting to and from the parking meter, the server and the user device in claim 20. Information transmitted is non-functional descriptive material unless the specific information is further utilized in a claimed limitation. For example, since the lock release request is not claimed as producing any functional effect (although an intended use is recited), the contents of the lock release request are non-functional descriptive material and do not serve to patentably differentiate the claimed invention from the art.

8. Claims 2, 3, 6, 8, 9, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admasu et al, in view of Andersen et al. in view of LeJeune as applied above, and further in view of US Patent Application 2002/0147673 filed 1/31/01 by Allen.

As to claims 2, 6, 8, 9, 14, 15 and 17, Admasu teaches in paragraphs 14 and 15 page 2 a server and a processing device. Admasu teaches in claim 7 and paragraph 29 page 3 a storage unit storing identification information and address information of a parking meter of billing a user for an amount. Admasu teaches in paragraph 15 page 2 billing a user for an amount based on a predetermined total length of time.

As to claims 2, 8, 9, 14, 15 and 17, Admasu teaches in paragraphs 14 and 15 page 2 performing a communicating process through a network with a user device and the parking meter.

As to claims 2, 6, 8, 9, 14, and 17, Admasu in view of Andersen teaches retrieving the address information of the parking meter corresponding to identification received from the user device, from the storage unit as above under DNS.

As to claims 2, 6, 8, 9, 14, 15, and 17, Admasu teaches obtaining current use information relating to a use of the parking meter with the address information retrieved by the retrieving processing unit as above under charge/use.

As to claims 2, 6, 8, 9, 14, 15 and 17, Admasu teaches a registration phase in which notification information such as contact information (paragraph 26 page 2) is received into the system. Admasu does not teach receiving notification timing information relating to a timing of notifying the user device of the current use information. Allen teaches in paragraph 25 page 3 request for timing preferences for notifications through user devices. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add receiving notification timing information relating to a timing of notifying the user device of the current use



information in order to allow the user to set contact preferences and avoid annoying the user with undesired contacts.

As to claims 2, 6, 8, 9, 15 and 17, Admasu teaches in paragraph 35 page 3 transmitting the obtained use information to the user device according to the notification timing information received from the user device.

As to claims 2, 6, 8, 9, 14, 15, and 17, Admasu does not teach transmitting a lock release request for releasing a lock of the parking meter with the retrieved address information to the parking meter. Admasu teaches transmitting to and from the parking meter in claim 20. Lejeune teaches in col 4 line 66 to col 5 line 15 transmitting a lock release request for releasing a lock of the parking meter with the retrieved address information to the parking meter. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add transmitting a lock release request for releasing a lock of the parking meter with the retrieved address information to the parking meter in order to allow people to retrieve their vehicles upon payment.

As to claims 14 and 15, Admasu teaches in paragraph 39 page 4 performing a payment according to a request for payment from the user device.

As to claims 8, and 17, Admasu teaches in paragraph 39 page 4 performing a payment by communicating with the parking meter of billing a user for up to a predetermined total time. Admasu teaches obtaining charge information from the parking meter through the network as above under "charge/use."

As to claim 6, Admasu teaches in paragraph 42 page 4 receiving identification information of a parking meter of billing a user for an amount, the amount based on a predetermined total length of time, and user information from a user device.

As to claim 15, Admasu teaches obtaining use information about a user who uses a parking meter of billing a user for an amount, the amount based on a predetermined total length of time as above under "charge/use". Admasu does not disclose, but Allen paragraph 25 page 3 discloses as above, determining a transmission timing of a message according to the obtained use information, and transmitting the message to the user device through the network with the transmission timing. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add determining a transmission timing of a message according to the obtained use information, and transmitting the message to the user device through the network with the transmission timing in order to make the contacts as useful to the user as possible.

As to claim 3 (dependent on 2), Admasu teaches in paragraph 27 pages 2 and 3 the payment is made in a pre-payment parking meter for a predetermined time. Admasu teaches in paragraph 46 page 4 a message is transmitted to the user device at any time before the predetermined time elapses.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The applicant requested an interview in the remarks if the application was not found to be allowable. Interviews can be scheduled by phone at the number below. Please be aware that fewer slots are available, and thus more lead time is required, at the end of each quarter.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANN LOFTUS whose telephone number is (571)272-7342. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL

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